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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 2000/45

Addendum

Communications to and from Governments*

* The executive summary of this report and the confidential information form (see appendix) are being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission only.

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Executive summary

At its fifty-fifth session, the Commission on Human Rights, in its resolution 2000/45, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence, in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent action appeals and communications with other special rapporteurs.

The Special Rapporteur has produced a standard reporting form which may be used to document alleged instances of violence against women (see appendix). In this connection, it should be emphasized that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women that are gender specific, that is violence or threats of violence directed against women because of their gender. The definition of gender-based violence used by the Special Rapporteur is taken from the United Nations Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 on December 1993.

The Special Rapporteur wishes to inform the Commission that during the period under review, she transmitted communications to the Governments of Algeria, Bahrain, Bangladesh, Canada, China, Indonesia, the Islamic Republic of Iran, Israel, Qatar, Nigeria, the Russian Federation, Sri Lanka, the United Arab Emirates and the United States of America. In addition, the Governments of Algeria, Bangladesh, Canada, Sri Lanka, the Russian Federation, the United Arab Emirates and the United States of America provided the Special Rapporteur with replies on cases submitted during the year under review, whereas Canada, Cuba, India and Mexico did so with respect to cases submitted in previous years.

This report contains, on a country-by-country basis, summaries of the general allegations, and individual as well as urgent appeals transmitted to Governments and their replies thereto. Observations by the Special Rapporteur have also been included where applicable.

Annex

INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES, WITH RESPECT TO VARIOUS COUNTRIES

CONTENTS

	Paragraphs	Page
INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES	1 - 61	4
Algeria	1 - 2	4
Bahrain	3 - 5	4
Bangladesh	6 - 10	4
Canada	11 - 14	6
China	15 - 21	6
Cuba	22	17
India	23 - 34	18
Indonesia	35	20
Iran (Islamic Republic of)	36	20
Israel	37 - 38	21
Mexico	39 - 40	21
Nigeria	41 - 42	22
Qatar	43 - 44	22
Russian Federation	45 - 50	23
Sri Lanka	51 - 57	24
United Arab Emirates	58	26
United States of America	59 - 61	26
Appendix: Violence against women information form		28

INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

Algeria

1. On 25 January 2000, the Special Rapporteur sent an urgent appeal together with the Special Rapporteur on the question of torture and the Special Rapporteur on the independence of judges and lawyers on behalf of **Ms. Nabira Mesbah**, a lawyer who had defended torture victims before the Special Court of Algiers with jurisdiction for hearing cases of terrorism between 1992 and 1995. She was reportedly convicted of fraud and arrested on 19 December 1999, and detained in Blida prison. Although she was reportedly eight months' pregnant and suffering from diabetes, Ms. Mesbah was not receiving the necessary medical care and her request to be transferred to a hospital had been denied.

2. By letter dated 8 February 2000, the Government of Algeria stated that Ms. Nabira Mesbah had been arrested in flagrante delicto and had admitted to being involved in judicial corruption. On 25 January 2000, she was sentenced in a public hearing to 18 months' imprisonment. A group of lawyers had acted as her defence. With regard to her health, Ms. Mesbah was presently under medical supervision at the civil hospital of Blida. The Government stipulated that the proceedings of which she had been the subject had nothing to do with her work as a lawyer. By letter dated 18 February, the Government informed the Special Rapporteur that she had been granted temporary release on 9 February 2000.

Bahrain

3. On 21 December 2000 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of migrants to the Government regarding **Yeshiworq Desta Zewdu** (aged 20), a documented Ethiopian migrant worker in Bahrain. According to information received she was sentenced to death by a Bahraini court on 28 November 2000 for the murder of her employer, Sadia Baltar.

4. She is said to have suffered both physical and psychological abuse during her employment, and furthermore, she had not been paid for the last two years. It is reported that she faced trial without any legal assistance, and that the abuse which she suffered and the effect of the abuse on her state of mind and her action were not taken into consideration when convicting and sentencing her for murder. The Special Rapporteurs appealed to the Government for Ms. Yeshiworq Desta Zewdu's sentence to be commuted if upheld on appeal.

Observations

5. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 21 December 2000.

Bangladesh

6. By letter dated 10 October 2000 sent in conjunction with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information concerning an alleged increase in the number of women who have been subjected to the practice of burning with acid following, for example, family disputes, rejection of marriage or sexual advances. It is reported that in a number of cases there has been no investigation nor attempt to bring the perpetrators to justice. The following cases were brought to the attention of the Government.

7. On 20 July 2000 **Bhancha Sana** was reportedly attacked with acid outside her house in the village of Ghughumari, in the district of Satkira. It is alleged that her chest was severely burnt in the incident and other parts of her body were also burnt. **Fatima Begum** is reported to have been attacked with acid in her home town in the district of Sadar Kisoregonji at the Nagua bus stand. Her head, face, hands and throat have been permanently scarred. **Shah Alam** was allegedly attacked with acid in her village, Birponiu, in the district of Bogra, on 22 July 2000. She was seriously and permanently injured on her face, chest and waist. She suffered minor injuries on her hands and throat.

8. By letter dated 19 December 2000, the Government replied that the allegations regarding specific incidents of acid attacks had been investigated. The Government stated that it is fully committed to addressing the crime of acid attacks firmly and judicially. Recent legislation measures, including the Women and Children Repression Act 2000, and the Public Safety Act 2000, have been promulgated in addressing crimes and offences in the country, particularly as these relate to women and children. Punishment for acid attacks has reportedly been made stiffer. Preventive measures, including awareness raising, training of specialized groups and rehabilitation programmes, have been introduced. A special squad of the Criminal Investigation Department (CID) has been specifically mandated to investigate acid attacks. In regard to the individual cases, the Government indicated that the first reported incident involved a long-standing family feud between two neighbours, Mr. Kartik Chandra Sana and Mr. Sanjoy Kumar Das, in Ghugumari village of Satkhira district. On 18 July 2000 **Sanjoy Kumar Das** was reportedly attacked with acid by Kartik Chandra Sana and his wife, Bonita Rani Sana. A case was lodged with the local police station the same day and both the accused were arrested. The case is now under investigation. The Government reported that no report concerning the victim **Bhancha Sana** had been found. They suggested that the name of Bonita Rani Sana, one of the perpetrators in the Sanjoy Kumar Das case, might have been mistakenly reported as that of a victim, Bhancha Sana.

9. The Government indicated that on 1 August 2000, Mr. Tizamuddin lodged a case with Kishorgonj police station under the Women and Children Repression Prevention Act. The accused persons had been arrested and subsequently released on bail. The case is now under further investigation. **Fatima Begum** is undergoing treatment in a hospital in Dhaka.

10. The Government reported that on 31 July 2000, **Shah Alam** of Nandigram, Bogra, was reportedly attacked with acid by unknown persons. Further inquiry into the allegation revealed that it was not acid but some other substance, and that Shah Alam did not sustain any serious

injury. No case has been lodged with the police either by the victim or the victim's family. However, four persons were arrested by the police as suspects. In the absence of substantive proof, they were later released. The victim, Shah Alam, is reportedly presently in good health.

Canada

11. On 9 August 2000 a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of migrants was sent in regard to **Anam Iqra**, a Pakistani citizen who had sought refugee status in Canada. According to information received, her mother was murdered by her father for not conforming to the traditional practices of her family. After her mother's murder, Ms. Iqra was allegedly confined and tortured by her brother. It is reported that her family threatened to kill her in case of any protest. Ms. Iqra ran away from home and was hiding in different places, pursued by her brother and male members of her family who threatened to kill her. She was helped to escape to the United States from where she went to Canada.

12. According to information received, Ms. Iqra was at risk of being deported from Canada to Pakistan. The Special Rapporteurs expressed their concern about her fate in Pakistan should she be deported. Perpetrators of "honour killings" in Pakistan have so far not been punished for murder, giving them virtual impunity. The Special Rapporteurs appealed to the Government to refrain from deporting Anam Iqra to Pakistan.

13. By letter dated 28 November 2000 the Government responded regarding the case of **Anam Iqra**. According to information received from the Department of Citizenship and Immigration, Ms. Iqra had entered Canada from the United States on 12 July and was determined eligible to be considered as a refugee on 25 July. On 7 September 2000, she obtained an employment authorization, so that she could work while the refugee determination process continued (it currently takes eight months for a refugee hearing to take place and a decision to be made). It was reported that no decision had been made to deport Ms. Iqra and that her claim to be a refugee had not yet been decided. The Government stated that it would update the Special Rapporteurs on the outcome of the case as soon as possible.

Follow-up to previously transmitted communications

14. By letter dated 18 April 2000 the Government responded to the Special Rapporteur's communication dated 6 August 1999 concerning the case of **Jonathee Wannasri** (see E/CN.4/2000/68/Add.1, para. 31). The Government indicated that by decision dated 10 August 1999 the Convention Refugee Determination Division (CRDD) determined that Ms. Wannasri was not a Convention refugee. Ms. Wannasri was apprised of her right to apply for judicial review of the decision with leave of a judge of the Federal Court. She did not exercise this right. Ms. Wannasri was removed from Canada on 2 September 1999.

China

15. By letter dated 19 January 2001 the Special Rapporteur communicated her grave concerns in regard to information received concerning the alleged use of violence against women in China and in particular the ill-treatment of female Falun Gong practitioners. According to

information received the Chinese authorities have been conducting a major crackdown on the Falun Gong, Falun Dafa and other Qi Gong groups. The vast majority of Falun Gong practitioners are women. A ban was imposed on the Falun Gong on 22 July 1999 as "constituting a threat to social and political stability". Practitioners are said to be put under pressure to renounce their beliefs. Thousands are said to have been detained by police; many of them are said to have been sent to labour camps for "re-education" through labour, or detained in psychiatric hospitals and administered drugs against their will. Many of them are said to have suffered torture or ill-treatment. The methods of torture used against women practitioners have included: stripping them naked; severe beatings with fists or a variety of instruments, such as wooden batons, on shinbones, thighs, shoulders and other parts of the body; kicking; the use of electric shock batons, inter alia to the genitals, armpits, soles of the feet and the mouth; the use of handcuffs, shackles or ropes to tie prisoners in ways which cause intense pain; suspension by the arms or feet, often combined with exposure to extreme cold or heat; the use of cigarette lighters to burn their bodies; the insertion of sticks or needles under the nails or having fingernails pulled out by pliers; the insertion of pepper, chilli powder or other substances into the mouth, nose or genital organs; the use of injections which cause victims to become mentally unbalanced or to lose the ability to speak coherently. It is further alleged that many women practitioners have died following torture or medical neglect in detention. It is also reported that many women practitioners have died by falling out of windows whilst trying to escape.

16. In that connection, the Special Rapporteur has received information on the individual cases summarized below:

(a) In October 2000 prison guards in the **Masanjia prison in Shenyang, Liaoning province,** allegedly stripped 18 female Falun Dafa practitioners and put them into cells containing male convicted criminals. It is reported that Luo Gan, a high-ranking Communist Party official, was aware of the incident. The 18 women are said to remain in prison;

(b) It is reported that since October 1999, more than 1,500 Fallen Dave practitioners have been detained in the **Masanjia labour education camp** in Liaoning province. Practitioners are reportedly forced to denounce Falun Dafa. People who refuse to do so are allegedly subjected to physical abuse, shocked with electric batons, detained in solitary confinement and assigned intensive labour. The electric batons are used to shock the breasts and genitals of the female practitioners. The camp officials also allegedly force practitioners to drink dirty water from an abandoned well; practitioners reportedly all showed symptoms of poisoning after they drank the water;

(c) According to information received more than 50 female Falun Dafa practitioners were detained in **Qiaozhuang detention centre**, Tongzhou district, a suburb of Beijing, in July 2000. It is reported that after police had failed to force the practitioners to renounce their beliefs, using tortures and insults, most of practitioners were sent to labour camps and some were sent to psychiatric hospitals. In particular, the Special Rapporteur has received information concerning the following individual cases:

(i) **Huang Xiuling**, aged 59, from Fuma village, Majuqiao town, Tongzhou district, Beijing, was reportedly sent to Qiaozhuang detention centre in the afternoon of 30 June 2000, and was detained in cell 9. She refused to

recite the prison regulations and continued to practice the exercises. She was allegedly beaten, handcuffed and shackled. Her jailers reportedly used electric shock batons on her body and stomped on her feet. They held her breasts and pinched the tips of her nipples, and kicked her genitals. Huang went on a hunger strike to protest. According to information received, on the afternoon of 2 July 2000, she was sent to cell 7. The police allegedly force-fed her through her nose with a tube. Police wanted her to pay 10 yuan for the single-use of the disposable tube. As she didn't have any money, the police left the tube in her body so that they could use it again. In the evening, the pain became unbearable and she pulled the tube out. The next day, when she was force-fed again, the police handcuffed her from behind. After the force-feeding, the police allegedly left the tube in her body, one end in her stomach and the other end in her nose and pasted on her face so that she could not pull it out. That evening, Huang Xiuling reportedly developed a high fever. She was given medicine, but her fever didn't drop and she started vomiting. It is alleged that when the police realized that Huang Xiuling's life was in danger, they hastily sentenced her to one year of forced labour. Later that evening, they sent Huang Xiuling home and asked the village committee to watch her. After she returned home she recovered. On 13 July 2000, the police took Huang Xiuling away again and sent her to the fourth team of Beijing Tiantanghe female labour camp for forced labour. It is reported that Huang Xiuling went on hunger strike. She was allegedly tortured by the guards, injuring her neck;

(ii) **Liu Xuebin**, aged 54, from Chengguan town, Tongzhou district of Beijing, was reportedly arrested on 4 September 1999 while she practised Falun Gong exercises at the Tongzhou Club. She was detained for three months without any legal procedure. Liu Xuebin reportedly experienced several kinds of torture in the detention centre. The guards stripped off all her clothes and used a wet towel with salt on it to thrash her, continuing to add salt to the wet towel as they beat her. The towel left rows of small bleeding sores all over her body. The salt stuck to the sores and made them very painful. On the second day, bloody pus oozed out of her wounds and her clothes stuck to her body. As Liu Xuebin refused to answer questions during a police interrogation, she was labelled mentally ill, upon which she was sent to a mental hospital. Liu Xuebin was kept with the most seriously ill patients. She was forced to take pills and receive injections. She was released after three months. On 25 April 2000, Liu Xuebin appealed for the right to practise Falun Gong again. As a result, she was sent back to the mental hospital. Her family and friends do not know anything about her current situation;

(iii) **Li Yaping**, aged 26,was reportedly detained in Qiaozhuang detention centre, because she would not denounce Falun Dafa. Her hands were handcuffed behind her back and her feet were shackled. Jailers allegedly stuck an electric shock baton in her mouth until it bled. She was subjected

to different kinds of torture. Later she was sent to the fourth team of Beijing Tiantanghe female labour camp, reportedly without a trial.

(iv) **Hu Shufang**, aged 38, from Tongzhou district of Beijing, appealed to the Government on behalf of Falun Gong on 25 June 2000. She was detained in the west room in Qiaozhuang detention centre. She was allegedly beaten almost every day and shocked with electric batons, which left wounds all over her body. She was handcuffed and shackled. One month later Hu Shufang was sent to a labour camp without a trial;

(v) The police reportedly also took **Hu Shuwen**, sister of Hu Shufang, away from her home. She is currently detained in Tuanhe labour camp, Daxing county, Beijing;

(vi) On 6 October 2000, Falun Gong practitioner **Yan Juying** from Yanjiao, Sanhe city, Hebei province, went to Tiananmen Square to appeal on behalf of Falun Gong. She was arrested and sent back to Yanjiao police station. It is reported that before she got out of the car, the police captain, Yang Xizhong, started to kick her, beat her, pull her hair, slap her face and kick her private parts. Then he lifted her up and violently threw her to the ground. He allegedly beat her on the buttocks several hundred times with a wooden rod, whipped her numerous times, subjected her to electric shocks all over her body, used a slipper to slap her face, put an electric baton in her mouth, spat on her face and stomped on her heels. He allegedly threatened to splash her body with boiling water. When Yan Juying refused an order to take off her clothes, Yang Xizhong allegedly threatened to find some workers to rape her. He then sexually molested her. After some time Yang Xizhong recorded the interrogation and beat Yan Juying again. That night, Yan Juying was sent to the town government hall to attend the "transformation class";

(vii) **Tang Xi Tao**, aged 64, from Guangzhou, Canton, was arrested on 6 July 2000 and was transferred to the Cha Tou detention centre for women (also called Xiao Dao) in Canton, province of Gangdong. Tang Xi Tao was sentenced to two years' re-education through labour. It is reported that she has been subjected to torture and ill-treatment. She is allegedly placed in solitary confinement for days at a time, verbally threatened, her hands have been bound to prevent her from practising Falun Gong exercises, she is not allowed access to medical treatment for her illness and is subjected to forced labour as part of the re-education programme. Furthermore, as a result of the judgement her pension has reportedly been stopped and her apartment and personal belongings confiscated;

(viii) **Xie Guiying,** aged 32, from Huinan, Anhui province. According to information received, at 20.00 hours on 17 October 2000 Xie Guiying's home was ransacked by police from Chaoyang district police station,

Huainan, who allegedly beat her up before taking her to the police station. In the early morning of the next day, she was sent to the People's Hospital of Huainan because of serious injuries. She died at approximately 10.00 hours on the morning of 18 October 2000. At 16.00 hours the same day the police sent her body to the Datong Funeral Home. According to reports, in an apparent effort to cover up the details of the case, it was later reported by the Chaoyang district police station that she had committed suicide by jumping off a building;

(ix) **Wang Youju**,, aged 64, from Dalian, Liaoning province. On 22 July 2000 Wang Youju was reportedly taken away from her home by police from the Gongji police station of Dalin and was sent to Wafangdian detention centre in Dalian. She was allegedly forced to work long hours every day and was frequently denied food and sleep if she could not finish her quota. On 31 July 2000 Wang Youju and a few other Falun Gong practitioners were released. She was very weak and required assistance to walk, her chest hurt and she could not even stand. She was given emergency treatment in the office of the detention centre, but reportedly died that night;

(x) **Hao Yafen** from Sanhe, Hebei province. Liu Yalu and Qi Xiaoquan from Yanjiao police department allegedly beat and kicked Hao Yafen who had gone to Beijing to appeal peacefully for the right to practise Falun Dafa. She grew dizzy from the beating and lost her vision. After she fainted, they reportedly used an electric baton to shock her. She was hit with a shoe and kicked in the knees. On 13 July 2000 she was fired from the Communist Party committee of Sanhe power plant. She was also asked to pay a fine of 5,000 yuan renminbi by the police. In order for her to be allowed to return home her family gave Zan Qingcai, head of Yanjiao Police Department, 2,000 yuan renminbi. It is reported that Liu Yalu also extorted 1,000 yuan renminbi from them. He said it was to pay Beijing officials. Hao Yafen's work unit deducted her wages and bonus;

(xi) **Xu Wenjun** was reportedly arrested in November 1999. She was detained at three different locations. At the First Detention Centre of Nanchang, she started a hunger strike to protect her Falun Gong books. She was reportedly beaten by the guards and her hands and feet were shackled together. As a result she could not take care of herself, nor could she walk or sleep. Later, Xu Wenjun was transferred to the Second Detention Centre where she started a second hunger strike because her detention period was eight months longer than that stipulated by law. Her family finally bailed her out after 10 days. Xu Wenjum was arrested again less than one month later. She was reportedly sentenced to three years' imprisonment on 1 September 2000;

(xii) **Huang Liqiong** was reportedly arrested after going to Beijing to appeal for Falung Gong on 25 October 1999. She was detained in the Third

Detention Centre of Nanchang, Jiangxi, for 24 days. According to reports she has been detained three times in one year. Finally she was sentenced to three years of forced labour;

(xiii) **Chen Ying**, aged 18, from Jiamusi, Heilongjiang province, went to Beijing to appeal to the central Government at the beginning of August and was arrested. According to information received, during the journey back to Heilongjiang, the police allegedly threatened and tortured her. She was reported to have jumped off the train and killed. The family were informed on 25 October 1999;

(xiv) On 27 September 1999 **Zhao Jinhua**, aged 42, from Zhaoyuan city in Shandong province, was reportedly arrested by the Zhangxing county police, together with four other Falun Gong practitioners, **Wang Fenglan** from Yujia village in Shiduitou, **Ma Yufeng** from Xiaojiajia and **Zhan Keyun** and **Wang Haohong** from Heya village. All five were detained in the same room of the local police station. They were reportedly tortured by the policemen for refusing to denounce Falun Gong. They were deprived of sleep. On the night of 1 October 1999, policemen reportedly came in and began to beat the prisoners with fists and with rubber clubs. They allegedly struck Wang Fenglan with the club, wrapped her up with a telephone cord from an old-style rotary telephone and sent current through the line until she lost consciousness. They allegedly hit Zhao Jinhua with a rubber club, then dragged her to the office and shocked her with the telephone. As she was being tortured, they repeatedly asked her if she would stop practising Falun Gong. Zhao Jinhua fainted and she was taken to a local hospital for emergency treatment, after which she was taken back to the police station. It is reported that Zhao Jinhua felt pressure in her chest and the right side of her body felt numb. She felt a great deal of pain all over her body. There was blood in her urine, pain in both of her legs, and she was unable to eat. Her body was black and blue from the waist down. The police reportedly did not take any further action to help her. At 16.00 hours on 7 October 1999, Zhao Jinhua fainted again. The police took her to the emergency room at the local hospital; but she stopped breathing while medical personnel were doing an electrocardiogram. According to information received, the autopsy report showed that there were multiple wounds on her body and subcutaneous bleeding. The report concluded that she had died from being beaten with a blunt object. According to information received, the perpetrators were not punished. Instead, the authorities reportedly investigated those practitioners who had disclosed the death of Ms. Zhao to the public. On 20 November 1999, practitioners Li Nanying and Chen Shihuan were sentenced to three years of forced labour education allegedly for revealing the truth of Ms. Zhao's death to the public;

(xv) **Dong Buyun,** aged 36, from Lanshan district, Linyi city, Shandong province. Dong Buyun went to Beijing to appeal on 20 July 1999. She

was reportedly arrested in Beijing and escorted back by the police of Lanshan district on 20 September 1999. She was placed in the custody of the school where she worked, and detained in an office on the second floor. She was told to denounce Falun Gong but she refused. On the second day, her family was informed that she had jumped out of the window and had been killed. Her body was cremated before noon;

(xvi) **Chen Zixiu**, aged 59, from Beiguan Xujia Xiaozhuang, Weicheng district, Weifang city, Shandong province. She was picked up at Weifang railway station on the way to Beijing to make an appeal to the authorities. She was taken to Chenguan subdistrict office in Weicheng city and detained there for "re-education". Chen Zixiu allegedly died in custody at Chenguan subdistrict office and her body was transferred to the municipal hospital at 9.00 hours on 21 February 2000. At 19.30 hours, the public security summoned her family to Jinhai Hotel in Weifang city and confined them there. The family was allowed to see the body on 22 February. According to reports Chen Zixiu's mouth was stained with blood, her teeth were battered and broken, her abdomen distended. Her lower body bore massive bruises, and her legs were also swollen;

(xvii) **The mother of Fu Xiaojuan**, aged 56, from Gaoan, Jiangxi province, went to Beijing on a tourist trip on 14 September, 1999 and was arrested at her hotel in Xida (or Xidan) Street. She was detained in the Liaison Office of Yichun, Jiangxi province, in Beijing. It is reported that in order to avoid prosecution she tried to escape through the window at 3.00 hours on 16 September 1999, fell and was killed;

(xviii) **Yu Xiangme**, aged 35, from Changshou county of Chongqing, Sichuan province, went to Beijing to appeal, was arrested in early November 1999 and detained at the Chongqing Liaison Office in Beijing. She tried to escape through the window, fell and was killed;

(xix) **Li Guihua**, aged 47, from Jiangbei, Jiangbei district of Chongqing, Sichuan province. She went to Beijing to appeal and was arrested in late October 1999. She reportedly died while in detention in Chongqing Liaison Office in Beijing. The police department informed her husband and he went to Beijing to identify her and then her body was cremated. It is reported that the police threatened her husband not to reveal any information about her death;

(xx) **Gong Baohua**, aged 35, from Liudian village, Pinggu county, Beijing, went to Beijing on 17 June 2000 to appeal for Falun Gong and was reportedly intercepted by police at Dongzhimen bus station, along with seven other Falun Gong practitioners. After they were taken back to the local police station, six of them were allegedly brutally beaten by police. Among them, Ms. Gong suffered the most. Medical examination in Yukou clinic afterwards showed that the bridge of her nose was broken.

The police sent Ms. Gong and other practitioners to the county detention centre. To defend their rights, Ms. Gong and other practitioners went on a hunger strike. On 25 June 2000 at around 20.00 hours the guards allegedly force-fed Gong through her nose, despite the fact that it was broken. According to reports, after returning to the cell, her face was pale, her chest felt numb and she suspected that the guards might have inserted the feeding tube incorrectly during the force-feeding. About 10 minutes later, she lost consciousness. Her inmates are said to have called the guards, but nobody answered. After some time Gong regained consciousness. Guards finally came and took Gong for emergency treatment. She was sent back to detention on the morning of 26 June 2000, where her condition continued to deteriorate. On the morning of 27 June 2000, other inmates urged the guards to take Ms. Gong for another medical examination. At around 10.00 hours, the detention centre clinicians agreed to send her to the hospital. At around 21.00 hours that evening, Gong Baohua was pronounced dead in the hospital;

(xxi) **Zhang Yuzhen**, aged 46, of Hegang city, Heilongjiang province. At the beginning of February, the local police reportedly detained Ms. Zhang in Lulinshan detention centre in Hegang city, in order to prevent her from going to Beijing to appeal for Falun Gong. In April, she was transferred to the first detention centre of Hegang city. Ms. Zheng went on hunger strike for five days and she was beaten many times while in custody. She was released at the beginning of May, allegedly because she was very ill because of the long-term mistreatment in the detention centres. She reportedly had to stay in bed after she was released, and died on 20 June 2000;

(xxii) **Sun Shuqin**, aged 58, from Hegang city, Heilongjiang province. In January 2000, Ms. Sun and another practitioner went to the Beijing Public Security Ministry to appeal for Falun Gong. On 24 January 2000, she was reportedly sent to the Hegang detention centre. On 14 February, she was transferred to the Yingbei county jail. She went on a hunger strike for four days in April. She reportedly died in custody in the Yingbei county jail on 27 April 2000;

(xxiii) **An Xiukun**, aged 49, from Hengshui city. An Xiukun was reportedly removed from her post and was fined 2,800 yuan renminbi for practising Falun Gong. According to information received, An Xiukun went to the Beijing Public Security Ministry to appeal on 21 May 2000. She was escorted back and detained in the Education Committee Guest House. On 24 May, An Xiukun was given 15 days of administrative detention. An Xiukun refused to sign the paperwork for her detention, and declared that she would reserve her right to appeal. She was sent to the Lubei Administrative Detention Centre. On 25 May, the second day of her detention, An Xiukun was cuffed with a special type of handcuff nicknamed "bull's nose", for refusing to copy the rules of the detention

centre. An Xiukun started a hunger strike. On 6 June, An Xiukun lost consciousness. At 22.00 hours, An Xiukun was sent to the county hospital where she died at 7.30 hours on 11 June 2000;

(xxiv) **Miu Qun**, from Qu county, Dazhou city, Sichuan province. Miu Qun went to Beijing to appeal for Falun Gong in January 2000. She was reportedly taken back by local police and detained in the local detention centre. While in custody, she went on a hunger strike to defend her right to practise Falun Gong. The police force-fed her through the nose via a plastic tube. During the process of force-feeding, the police allegedly inserted the tube into her lung by mistake. She died shortly afterwards in custody;

(xxv) **Yin Shuyun**, aged 46, from Changchun city, Jilin province. During the annual session of National People's Congress, Ms. Yin went to Beijing to petition the Government to stop persecution of Falun Gong. She reportedly died in detention at the Heizuizi labour camp due to ill-treatment;

(xxvi) **Yao Baorong**, aged 52, from Anning district, Lanzhou city, Gansu province. Ms. Yao was arrested on 17 May 2000 at home. It is reported that she died in custody in the afternoon of 19 May 2000. The cause of her death was unclear. It was said that she died after falling from the fifth floor of the local police station. It is reported that the police cremated her body secretly at 2.50 hours on 23 May 2000. To block the news, the police allegedly arrested 20 practitioners;

(xxvii) **Mei Yulan**, aged 44, from Chaoyang district, Beijing. On 13 May 2000, Ms. Mei was arrested while practising Falun Gong exercises outside her house. She went on a hunger strike to defend her rights. On 17 May 2000, three days into her hunger strike, she was allegedly force-fed by another inmate who had no medical skills. After she got back to her cell, she said she had a headache and she started to vomit blood. The guard, whose surname was Sun, allegedly refused to send her for emergency treatment. She died in custody on 23 May 2000. Five practitioners who knew the circumstances of her death were reportedly sent to the detention centre on 26 May;

(xxviii) **Wang Xiuying**, aged 45, from Harbin city, Heilongjiang province. On 13 May 2000, Ms. Wang was arrested as she was practising Falun Gong exercises in Tiananmen Square. She was reportedly detained in the Jiaomen detention centre of Chongwen district. According to information received, after three days of hunger strike, four men pushed her to the ground and force-fed her through the nose. She was force-fed with high-density salt water five times within nine days. On 22 May 2000, she lost consciousness and died in custody at 19.00 hours that day;

(xxix) **Sun Xiuqing**, in her 50s, from Hegang city, Heilongjiang province. Ms. Sun was reportedly detained in the Luobei detention centre before the Chinese New Year (4 February 2000). She died suddenly at the end of April 2000 in custody. The police allegedly cremated her body immediately without informing her family;

(xxx) **Li Yanhua**, aged 45, from Nanchang city, Jiangxi province. Ms. Li had gone to Beijing twice in October 1999 attempting to petition the regime to stop its persecution of Falun Gong practitioners. She was reportedly detained for 10 days and later, she was detained again for more than one month. After that, she was sentenced to two years of forced labour on 7 January 2000 without a trial, and was detained in the Women's Drug Treatment Centre (also called labour camp) of Nanchang city. Li Yanhua and other detained practitioners started a hunger strike. Later, the camp guards tied them up and took them to hospital. According to information received, the medical examination showed that Li Yanhua was in serious condition. Her internal organs were atrophied and damaged. The labour camp informed her family to come and pick her up. Li Yanhua died at around 18.00 hours on 13 April, within two hours of arriving home;

(xxxi) **Zhang Shuqi**, aged 52, from Xicheng district, Beijing. On 26 December 1999, Ms. Zhang was reportedly arrested when attempting to attend the trial of four Falun Gong members at the Intermediate People's Court of Beijing. She was sent to Chang-qiao police station. The next day, she was transferred to the detention centre of the Xi-cheng police department. On the afternoon of 14 January 2000, the police station suddenly informed her family members to come and pick her up. After returning home, Ms. Zhang fainted, vomited and lost consciousness. She was immediately sent to the Beijing University Hospital for emergency treatment. However, she could not recover and died at 21.50 hours on 15 January;

(xxxii) **Zhu Shaolan**, aged 50, from Jinzhou, Liaoning province. On 28 September many practitioners in Jinzhou, collected signatures for a letter appealing for their freedom to practise Falun Gong. It is reported that as a result, many were arrested. To voice their concerns over the injustice, more than 40 practitioners started fasting on 29 September. Ms. Zhu was one of them. She became very weak two days later and started vomiting on the fourth day. The Raoyang local police sent her to the hospital on 5 October, and she died in the hospital in the morning of 7 October 1999;

(xxxiii) **Au Xiangmei**, aged 35, from Changshou county of Chongqing, Sichuan province. She was arrested in Beijing in November 1999 and was detained afterwards in the Chongqing Liaison Office in Beijing. It is reported that while trying to escape through a window, she fell and died;

(xxxiv) **Xia Wei**, aged 43, from Guanyinqiao, Jiangbei district of Chongqing, Sichuan province. She went to Beijing to appeal and was arrested in early November 1999 and was detained afterwards in the Chongqing Liaison Office in Beijing. She reportedly tried to escape through the window, but fell and died. Police allegedly told her husband not to reveal any information about the case.

17. According to information received, on 6 May 2000, 12 practitioners were sent to the Mental Hospital of Jiaozhou (also called Jiaozhou Psychological Recovery Centre), located at Yangzhou Road, Jiaozhou, Shandong province, for having gone to Beijing to appeal or continuing to practise Falun Gong. On 6 October 2000 a few were released but the majority are still reportedly being detained in the hospital. According to reports, they would only be released if they pledged that they would not appeal for Falun Gong, would not practise Falun Gong any more, and pay a fine of several thousand yuan. Reports have been received of various forms of ill-treatment including being forced to take medicines and receive injections, after which the practitioners would feel weak. They were also reportedly given electric shock treatment. In particular, the Special Rapporteur has received information concerning the following individual cases:

(a) **Zhou Caixia.** It is reported that after being on hunger strike for four days in the detention centre of Jiaozhou, she was taken to the mental hospital on 4 June 2000. She was allegedly forced to endure shots, medicines and other treatment designed for treating mental patients;

(b) **Kuang Bencui.** On 14 February, Ms. Kuang went to Beijing to appeal for Falun Dafa. According to information received, she was arrested and sent to the Jiaozhou Liaison Office in Beijing and detained for one night. The next morning, her work unit in Qingdao took her to the mental hospital of Jiaozhou city. Ms. Kuang was reportedly detained in the mental hospital for two months and had been treated like a mental patient. She was allegedly forced to take medicine and have injections. She was force-fed three times a day, with the dosage increased from one tablet a time to six tablets a time. After two months, her family members bailed her out;

(c) **Tan Guihua.** According to information received, on 12 September 1999, Ms. Tan went to Beijing to appeal for Falun Gong. On her return officers from her work unit and the Politics and Law Commission broke into her home and took her to the mental hospital of Jiaozhou. As Ms. Tan refused to take an injection, a nurse and eight mental patients held her down and gave her the injection. She was reportedly asked daily whether she would continue to practise Falun Gong. When she replied in the affirmative the doctor gave her electric shock treatment. For a two-month period she was reportedly force-fed with medicines and given injections three times a day. It is alleged that the doctors also experimented on her with a new imported drug which had various side effects. Inter alia, she stopped menstruating and suffered memory loss.

18. It is reported that at the beginning of December 1999, under a variety of fabricated charges, policemen from the Chengguan police station in Fangshan district of Beijing arrested 52 Falun Gong practitioners, the majority of whom were women, including:

Liu Wen (sex unkown), Wang Shuzhen (female), Chen Shumei (female), Yang Xuehua (unknown), Yang Xiuru (female), Liu Shengzhi (unknown), Xu Shufen (female), Wang Yingyuan (female), Zhang Yuzhen (female), Zhang Shihong (female), Cao Xiufen (female), Ren Shufen (female), Bai Xiulian (unknown), Jiang Xianglian (female), Su Fengxia (female), Yang Fenglian (female), Liu Yuxiang (female), Zhao Guomin (unknown), Jiang Shufen (female), Li Wanfeng (unknown), Shi Zhiguo (male), Hu Yajing (female), Song Zhenlan (female), Cui Hongxia (female), Liu Shuying (female), Yu Huanfeng (female), Li Xiujuan (female), Fan Xiuzhen (female), Zhang Cuihua (female), Li Huixin (unknown), Xu Hemin (male), Su Xiurong (female), Chen Shuling (female), Niu Shuzhen (female), Jiang Jingfang (female), Liu Chunhua (female), Liu Fengxia (female), Wang Xiuhui (female), He Guizhen (female), Yang Shufang (female), Liu Zhixia (female), Li Ruilian (female), Li Huiyun (unknown), Cui Xiuzhen (female), Liu Shuxin (female).

19. It is reported that the police station sent all of them to the Zhoukoudian Psychiatric Hospital, Fangshan district, Beijing, without any legal or medical procedures, allegedly in order to prevent them from going to Beijing to appeal during the period of the return of Macau to Chinese rule. They reportedly demanded every practitioner to pay between 800 and 1,000 yuan renminbi. It was said that it was up to the chief police officer in the police station when these practitioners were to be released. All 52 practitioners were reportedly released on 21-22 January after their family members paid the money.

Observations

20. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 19 January 2001.

21. The Special Rapporteur notes that the Special Rapporteur on the question of torture, by letter dated 10 August 2000, transmitted individual cases of torture of female Falun Gong practitioners to the Government.

Cuba

Follow-up to previously transmitted communications

22. Concerning the case of **Michele Annemarie Malcolm** and **Rachel Georgina Magee** referred to in the Special Rapporteur's mission report (E/CN.4/2000/68/Add.2, paras. 63-65), the Government responded, by letter dated 16 March 2000, that both were arrested on 16 November 1998 while attempting to smuggle drugs to the United Kingdom. According to the birth dates on their respective passports, both detainees were 22 years old at the time of their detention. In accordance with the Vienna Convention on Consular Relations, the Government of Cuba informed the United Kingdom consular authorities in Havana of the arrest of two of its citizens. The Government stated that, at all times, consular visits were facilitated. Both detainees were sentenced to 15 years' imprisonment following a trial which the Government

stated respected all the guarantees contained in Cuban penal law. The Government stated that both women had indicated their wish to file a request for judicial review of their conviction, in accordance with the law on penal procedure.

India

Follow-up to previously transmitted communications

23. By a letter dated 3 March 2000, the Government responded to a number of cases transmitted by the Special Rapporteur with the Special Rapporteur on torture on 22 November 1999 (see E/CN.4/2000/68/Add.1, paras. 48-66).

24. Concerning **Bina Das**, the Government replied that the allegations made against the Border Security Force (BSF) personnel was baseless and that family problems had led to the death of Bina Das. In this context, two persons, Mohan Das and Bapuram Das, were arrested and detained.

25. Concerning **Kalpana Das Kakoti,** the Government responded that an inquiry had concluded that there was no evidence of the involvement of army personnel in the alleged rape. Villagers from Taregan Potasali had also submitted a petition to the District Administration denying the allegation.

26. Concerning **Tukeshwari Rava,** the Government replied that inquiries confirmed that she had been raped by two members of the Border Security Force on 14 January 1998. The case was registered with the Bongaigaon police station under the Indian Penal Code, and forwarded to the court on 13 July 1998. A magisterial inquiry was conducted into the incident, confirming the rape. The report was submitted to the government of Assam. The personnel involved in the rape have been suspended and will be tried by the BSF court.

27. By letter dated 28 March 2000 the Government responded to the Special Rapporteur's report (E/CN.4/2000/68/Add.1, paras. 43 and 47) concerning the case of **Raja Begum** and her daughter **Ghulshan Bano.** It indicated that the two women were called for questioning at Doda police station in connection with an incident in which two army personnel were seriously injured near Daree Marmat village. Army personnel, in the presence of four female constables, reportedly questioned them. During questioning they admitted that on 14 March 1999 four militants had visited their home and had a meal with them. On the basis of their revelation the soldiers, along with the police, raided the house of Raja Begum and found explosive material. Following this, Ms. Begum and her daughter were handed over to the police on 18 March 1999 and were subsequently arrested for their involvement in the above-mentioned incident. During the course of the investigation a female doctor at the Doda district hospital examined the women. Her report stated that no marks of violence were found on the women's bodies. A board of doctors also examined the women and in their report categorically stated that they found no signs of rape. Both women were remanded to judicial custody and were released on bail on 24 March 1999. During the course of the investigation the complainants did not allege sexual misconduct by any member of the army personnel. Razia Begum, the wife of Farman Ali, and

Shaheena Begum, wife of Abdul Qayoom, daughters-in-law of Raja Begum, made statements in which they denied the allegations. The government concluded that the investigation conducted reveals that the case lodged by the complainant is false.

28. The Government stated that on 20 May 1998, people demonstrating against the construction of Maheshwar Dam project stopped 24 trucks carrying cement near Gandhi Nagar village at Mandeswar, Mandeswar road. The police arrested a total of 130 women and 25 men, most of whom were released the same day and the remaining the next day. The police did not physically assault any of the demonstrators.

29. By letter dated 10 November 2000, the Government responded to the joint communication sent with the Special Rapporteur on torture on 22 November 1999 concerning the cases of **Dulumoni Devi, Tarulata Pagu, Santhali Bodo and Runumi, Mamoni Koch, Dimola Doimary, Anjali Basumatary, Monaishree Diamary, Nbiari Diamary, Lilawati Baishya** and **Bina Baishya** (see E/CN.4/2000/68/Add.1, paras. 48-66).

30. The Government stated that on 24 April 1997, on the basis of the presence of militants of the United Liberation Front of Assam in Ghumatigaon village, cordon and search operations were launched by the army. The army personnel obtained a "no objection" certificate from the elders of the village certifying that no atrocities were committed by the army. The allegation of the rape of Ms. **Dulumoni Devi** by army personnel during the operation is false.

31. The Government reported that preliminary investigations into the case of **Tarulata Pagu** had revealed the involvement of two sepoys of 7th battalion of the Sikh Regiment. Accordingly, summary general court-martial proceedings had been ordered. Based on the findings, suitable disciplinary action will be initiated against the perpetrators.

32. The Government reported that the case of **Mamoni Koch** had been investigated and revealed the involvement of a sepoy of the 25th Punjab. He was found guilty by the summary general court-martial, and sentenced to one year's imprisonment and has been dismissed from service.

33. Concerning **Santhali Bodo** and **Runumi**, the Government responded that on 21 May 1997, troops of the 16th Rajput were patrolling near Ambari villa when a member of the patrol was killed and his rifle stolen. Subsequently, the army searched the area. Villagers were gathered in Ambari and questioned about the whereabouts of members of the Bodo Liberation Tiger Force, including its leader. The army obtained a clearance certificate from village elders certifying that the children and women had not been harassed or maltreated by the army and that no atrocities had taken place. Following allegations of human rights violations by the army, the district magistrate ordered an inquiry. It reportedly found that the militant organization had falsified documents and had forced a government doctor to produce a medical certificate certifying the rape of the two girls. The General Officer commanding the formation ordered an inquiry into the allegations of rape, which was held in the presence of government and police officials, as well as representatives of the All Bodo Women Welfare Federation. The army court concluded that the allegations were baseless and aimed at tarnishing the image of the army. A petition has been filed by the All Bodo Student Union and the All Bodo Women

Welfare Federation in the Guwahati High Court alleging rape and molestation during army operations on 21-22 May 1997 in Ambari Tamulpora police station, to which the army filed a counter affidavit. The matter is still pending.

34. Concerning the cases of **Dimola Doimary** (aged 14), **Anjali Basumatary** (aged 16), **Monaishree Diamary** (aged 17), **Nbiari Diamary** and **Thengali Diamary,** the government reported that an army court of inquiry had investigated the cases of alleged incidents of rape on the nights of 9-10 March 1998 and 14-15 March 1998 and found that the rape allegations could not be established in any of the cases. The Government reported that the medical report did not substantiate the allegation of rape. One of the victims, Thengali Diamary allegedly denied being raped. Further, the Army did not conduct operations in those areas on the dates mentioned.

Indonesia

35. On 22 November 2000 a joint communication was sent with the Special Representative on human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention concerning information received about massive human rights violations occurring in the province of Aceh, in particular alleged acts of torture, including sexual violence, committed by the military and security forces against civilians, in particular human rights defenders, as well as peaceful pro-independence activists.

Iran (Islamic Republic of)

36. On 11 May 2000, a joint urgent appeal was sent with the Special Representative on the human rights situation in the Islamic Republic of Iran, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteurs on torture and on the promotion and protection of the right to freedom of opinion and expression on behalf of two human rights activists. **Mehrangiz Kar,** a lawyer, writer and scholar, **Shahla Lahiji,** publisher and editor, as well as a representative of the student organization Office for Strengthening Unity (Daftar-e-Tahkim-e Vahdat), Ali Afshari, are reportedly accused of "acting against national security"; they are believed to be detained in incommunicado detention. According to information received, Mehrangiz Kar's brother and lawyer requested to see her, but were denied access to her. The exact whereabouts of the three persons have not been confirmed thus far. Mehrangiz Kar and Shahla Lahiji were reportedly summoned for interrogation and detained by the Revolutionary Court on 29 April 2000. Following their interrogation, they were placed under arrest. **Ali Afshari** was reportedly detained on 30 April. They are believed to have been detained because of their participation in a conference in Berlin, held from 7 to 9 April 2000, entitled "Post-Election Iran", which had been organized by the Heinrich Boell Institute, and because of their advocacy of women's rights. Fears have been expressed that the above-mentioned persons may be at risk of torture or other forms of ill-treatment in view of the incommunicado nature of their detention in an unknown location and the fact that prolonged incommunicado detention can in itself constitute cruel, inhuman or degrading treatment. The Special Rapporteurs appealed to the Government to provide information about the case.

Israel

37. On 19 April 2000 a joint communication with the Special Rapporteur on torture was sent in regard to **Qozet Elias Ibrahim**, aged 25, a free-lance journalist from Rmeish (on behalf of whom the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention had intervened on 22 September 1999) and **Najwa Hosein Samhat,** aged 33, from Aynata. Both are said to be detained in Khiam detention centre. Ms. Elias Ibrahim was reportedly arrested on 2 September 1999 by Israeli security forces on the grounds of having been accused of preparing reports about the situation in the occupied territories. She is said to suffer from a severe ulcer/infection of the large intestine. According to the information received, she is constantly hooked to an intravenous drip in her cell because she is unable to keep any food in her stomach. Ms. Hosein Samhat was reportedly arrested with her husband, **Hussein Ahmad Samhat**, aged 38, a restaurant owner, and her 16-year-old son, **Ahmad Hosein Samhat**, on 29 September 1999; both are reportedly detained with her. According to the information received, Ms. Hosein Samhat has been subjected to whipping on her feet causing extensive bruising, blows to her face causing a cut lip, being hanged by her hair and having cold and hot water poured on her body by women police officers. Furthermore, she is reportedly continuously insulted and was subjected to psychological pressures, such as the threat of the kidnapping and killing of her child in the camp. She reportedly suffered a severe haemorrhage after having had a miscarriage while in detention, which is said to have been caused by the torture she has been subjected to in detention. Both Ms. Elias Ibrahim and Ms. Hosein Samhat were reportedly taken to hospital by Israeli forces and militiamen from the South Lebanese Army after their health conditions deteriorated, allegedly as a result of having been subjected to torture at Khiam. Serious fears have been expressed concerning the health and life of the above-named women if they do not receive appropriate and prompt medical treatment; further serious concerns have been expressed that all may be at risk of further torture or other forms of ill-treatment.

38. Further information has also been received on the presence of three other women in Khiam detention centre, namely **Asmahan El-Khalil** from Aychiya, who was reportedly arrested on 10 September 1999, **Chamlakan Hussein Assaf**, a 23-year-old nurse from Arnoun working in the clinic of Dr. Husein Toufaily in Nabatie who was reportedly arrested in Arnoun on 23 November 1999, and **Samira Hassan Attieh**, a 23-year-old saleswoman from Arnoun who was arrested at her parents' house in Arnoun on 23 November 1999. In the light of the above reports, fears have been expressed that they may be at risk of torture or other forms of ill-treatment.

Mexico

Follow-up to previously transmitted communications

39. On 24 May 2000, the Government, in response to letter dated 23 November 1999 concerning violence against women in Ciudad Juarez, and in particular the case of **Ceilia Guadalupe de la Cruz,** transmitted the following information to the Special Rapporteur (see E/CN.4/2000/68/Add.1, paras. 72-78).

40. Concerning the murder of Cecilia Guadalupe de la Cruz, the investigation undertaken led to an order for the arrest on 1 April of Jesús Manuel Guardado Márquez, alias El Tolteca, Bernardo Hernández Fernández, alias El Samper, José Gaspar Ceballos, alias El Gaspar, Victor Moreno Rivera, alias El Narco, and Agustín Toribio Castillo, alias El Kiani, members of a gang called Los Ruleteros or Los Choferes and presumed perpetrators of the crime. On 8 April 1999 a formal detention order was issued against the aforementioned men by Penal Judge No. 4 of the Thirteenth District Court of Morelos, under case No. 340/99 which is at the pre-trial stage. The men, characterized as being highly dangerous, are detained in the Chihuahua State Penitentiary. Concerning the murders of Argelia Irene Salzar Crispin, María Sagrario González Flores and Erendira Ivonne Ponce Hernández, subjects of the allegations of April and August 1998, the Chihuahua State Prosecutor reports that the case is at the investigatory stage and that the evidence gathered thus far suggests the involvement of members of the Los Ruleteros or Los Choferes gang who are already under indictment for the murder of Celia Guadelupe de la Cruz.

Nigeria

41. On 11 January 2001 a joint urgent appeal was sent with the Special Rapporteur on torture on behalf of **Bariya Ibrahim Magazu**, aged 17. Ms. Magazu was reportedly sentenced to 180 strokes of the cane by a sharia court in Tsafe, Zamfara State, in early September 2000 for allegedly having had sexual relations outside of marriage and for having falsely accused three men of raping her. The sentence was not carried out immediately as she was pregnant when sentenced. However, as she is believed to have had her child in December fears have been expressed that the sentence would be carried out on 27 January 2001. It is reported that lawyers had filed an appeal for a stay of execution. The Special Rapporteurs appealed to the Government to ensure that the right to physical and mental integrity of Ms. Magazu is protected.

Observations

42. The Special Rapporteur is saddened to learn that Ms. Magazu received 100 strokes of the cane on 19 January, after an initial sentence of 180 strokes was reduced. It is reported that the sentence was carried out despite the fact that an appeal was being prepared. The Special Rapporteur is concerned that women and girls who are the victims of rape or coercion could risk being subjected to charges of zina and false accusation if they report an assault. According to information received there were allegations that Ms. Magazu was raped, the court allegedly invoked the rule of requiring at least four witnesses to testify to this, however the court did not invoke the same rule on Ms. Magazu's behalf. The Special Rapporteur urges the Government to remove any gender discrimination that exists from the law and ensure that it is not in violation of international standards.

Qatar

43. By letter dated 23 October 2000 the Special Rapporteur informed the Government about the case of **Nayanta Pandita** and his wife, **Saleha Pandita**. According to information received, on 17 November 1999, Mr. and Mrs. Pandita were married at the Registrar General's Department in Colombo, Sri Lanka. Dr. Mohammed Ameerudeen, Saleha's father, objected to the marriage. It is alleged that he tried to assault the couple at the airport in Madras but the

police intervened. On 28 February 2000, Nayanta Pandita was called to court in Doha, Qatar, where the couple was residing. The marriage certificate was rejected and the couple was charged under Muslim law for living together without being married. They were both remanded in custody. Mr. Pandita was reportedly told the marriage would be valid only if he converted to Islam. Under duress, he signed the declaration accepting Islam. The couple was ordered to remain incommunicado for a period of three months. Saleha was given to her father and Nayanta told to study Islam; the judge said that he would reconsider the possibility of their marriage under Islamic Law if Nayanta proved to be a devout Muslim.

44. Nayanta met with officials of the Ministry of the Interior and Dr. Saleem and they agreed to a settlement. Nayanta left for Sri Lanka. While he was away, he violated the judge's injunction and called Saleha. The telephone conversations were recorded and Nayanta's father-in-law threatened to produce them in court and have Nayanta jailed if he returned to Qatar. Nayanta remains in Sri Lanka. Attempts at reconciliation through the good offices of the Sri Lankan Embassy have also failed. The Special Rapporteur expressed concern that Saleha Pandita is allegedly being held against her will and that her passport has been taken away.

Russian Federation

45. On 3 March 2000 a joint urgent appeal was sent with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture in regard to information received about massive human rights violations occurring in Chechnya.

46. The Special Rapporteurs expressed their concerns regarding allegations of extrajudicial executions and rape of Chechen women by Russian troops, arbitrary detention and torture in so-called "filtration camps", massive arrests without warrants and forced displacements of the civilian population. It was alleged that detainees were beaten, sexually abused, stripped naked and left in cold cells.

47. On 6 March 2000, a press release was issued by the Special Rapporteurs and the Chairman-Rapporteur on the situation referred to above.

48. On 7 August 2000, a joint urgent appeal was sent with the Special Rapporteur on torture in regard to information that numerous rapes took place during the course of the conflict. Federal army soldiers were said to be the perpetrators and they generally killed the rape victims. Such incidents are said to have occurred in Alkhan-Jurt, in December 1999; Shaly, in January 2000; and in Grozny, in February 2000. In particular, the Special Rapporteurs have received information on the following individual case.

49. **Colonel Budanov** and his soldiers allegedly kidnapped **Heda Kungaeva**, aged 17, from Tangi-Chu, during the night of 26 March 2000. On 28 March, they reportedly gave her body to the villagers. A medical expert is said to have concluded that before being killed she had been raped by several men. The General Prosecutor's Office started an investigation procedure on this case and on 30 March 2000 Colonel Budanov was arrested. He reportedly claimed that during interrogation he had been trying to make the girl confess her sniper activities and that in a state of insanity, he had killed her.

50. By letter dated 20 November 2000, the Government indicated that according to information from the Office of the Procurator-General of the Federation, the bodies of Said-Emin Giriev, Said-Hussein Giriev and Musy Musaevich Sugaipov were found in the village of Starye Atagi in the Chechen Republic on 16 June 2000. Criminal proceedings were accordingly instituted on 19 June under article 105, section 2a, of the Russian Criminal Code, and are reportedly being pursued by the procuratorial system of the Chechen Republic. It has not yet been established who committed the crime. The Government reported that on 27 March 2000 the Office of the Military Procurator of the Northern Caucasus Military Zone initiated criminal proceedings against Col. Y.D. Budanov, the commander of a tank regiment, in connection with the killing and rape of Heda Kungaeva (according to her papers, Elza Visaevna Kungaeva), an inhabitant of the village of Tangi-Chu. Col. Budanov had been charged with offences under articles 105, section 2c (homicide), and 286, section 3a (acting in excess of authority), of the Criminal Code. He has reportedly been placed in custody and is undergoing a psychiatric appraisal. The Government reported that on instructions from the Office of the Procurator-General, the procurators' offices in the Northern Caucasus military zone and the Chechen Republic are conducting inquiries into the remaining matters.

Sri Lanka

51. By letter dated 14 March 2000 the Special Rapporteur expressed her concern regarding cases of gang rape and murder of women and girls that are reportedly being committed by the security forces. In addition to rape cases in the North and East, she reported that she had received information about political violence in the South that has affected women victims.

52. On 14 March 1999 the Special Rapporteur also issued a press release in this regard.

53. The following information in regard to individual cases was transmitted:

(a) **Sarathambal Saravanabavanthakurukal**, aged 29, was reportedly gang raped and then killed by Sri Lankan navy personnel on 28 December 1999 in Pungudutivu, near the Jaffna peninsula. Her body was reportedly found the following morning under leaves not far from her home near Kannaki Amman Temple. According to reports received, apart from a few high-profile cases which have been investigated thoroughly and the perpetrators brought to trial, cases of rape and murder of women and girls by Sri Lankan military personnel have often gone unpunished. In this context the Special Rapporteur is encouraged that on 30 December 1999, President Chandrika Kumaratunga ordered an immediate investigation into the case. However, it is alleged that the suspects have been transferred from the area to avoid prosecution and that very little is being done to pursue the matter;

(b) **Ida Caremelitta** was allegedly gang raped by five soldiers and then killed during the night of 12 July 1999 in Pallimunai village on Mannar Island. Five masked and heavily armed men reportedly entered the house while her family were sleeping and took Ms. Caremelitta outside and violently raped and killed her. The post-mortem report indicates that Ms. Caremelitta had been repeatedly raped and her body had been sexually mutilated;

(c) On 6 October 1998 **Ms. Pushpamalar**, aged 12, was allegedly detained whilst returning from school and raped by a soldier in Sangathaanai, Chavakachcheri, east of Jaffna. Following the assault she was admitted to hospital;

(d) **Anoja Weerasinghe's** house was reportedly attacked on two separate occasions, on 24 December 1999 and 2 January 2000. The first attack was with stones and caused a few broken windows, the second attack was more severe and led to the burning down of a part of her house. Concern has been expressed that the two incidents are related to her political involvement over the last 22 years. Ms. Weerasinghe recently played the lead role in a film version of "The Trojan Women", an anti-war play. Her political involvement has also encompassed speaking in support of the United National Party and peacefully picketing in Veyangoda on 17 November 1999 to protest the physical attacks against actors and actresses. She has also participated in news conferences, one of which was on 18 January, immediately following the attack. The actors supporting the UNP also organized a picket line in Colombo on that day.

54. By letter dated 6 April 2000 the Government responded to the communication sent on 14 March 2000 concerning four cases of violence against women.

55. Regarding the case of **Saravana Bhawanandan Kurukkal Saaradambaal**, the Government stated that her brother had reported the murder to the Kayts police. On directions given by the Inspector-General of Police on 5 January 2000, investigators of the Criminal Investigations Department (CID) proceeded to Kyts, Jaffna, and took over the investigation which had been started by the Kayts police. The incident reportedly took place on 28 December 1999. At around 9.30 p.m., four armed men came to the house and took away the deceased. After the abductors left, the brother, with the assistance of the neighbours, searched the area, without success. Upon making a complaint to army personnel attached to a nearby camp, they too joined in the search. The following morning the complainant found the body of the deceased. The post-mortem examination showed that the deceased had been raped. There is no conclusive information relating to the identity of the perpetrators, but investigations are continuing.

56. Regarding the case of **Fareed Ida Carmaleeta Laila**, the Government reported that pursuant to instructions given to the Inspector-General of Police by the President on 15 July 1999, the CID commenced investigation into the alleged rape and murder of Fareed Ida Carmeleeta Laila. Investigations revealed that there was a prima facie case that she had been raped and murdered. A second post-mortem was conducted to obtain more accurate and scientific proof by a consultant forensic pathologist. Criminal investigations revealed that two armed persons had forced their way into the house of the victim. It is suspected that the intruders thereafter raped and murdered the victim. Eleven members of an army detachment in the vicinity of the victim's house were arrested and arraigned for an identification parade. Two of the soldiers were identified by witnesses as the two persons who went into the house of the victim on the day of the incident. They are Dayantha Upul Gurusinghe and Raja Somarantne. Upon identification of the two suspects, the magistrate remanded them in custody. They have been denied bail and are still in remand. The CID also found several pieces of cartridge from an

automatic firearm. The findings of the government analyst reveals that the cartridge had been fired from the firearms used by the suspects. The CID is continuing its investigation, and is due to seek the advice of the Attorney-General.

57. Concerning the cases of **Ms. Pushpamalar** and **Anoja Weerasinghe**, the Government responded that investigations were continuing and detailed reports would be submitted in due course. The Government stated that it paid particular attention to acts of violence being committed by armed forces and police personnel in areas affected by conflict. It indicated that it refutes the accusation that only a few high-profile cases had been investigated. The Government states that every case of alleged criminal conduct committed by the armed forces and police has been investigated and the perpetrators prosecuted, although there may have been unavoidable legal delays.

United Arab Emirates

58. On 9 March 2000 a joint urgent appeal was sent with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the human rights of migrants on behalf of **Karteen Karikender**, aged 35, a documented Indonesian migrant worker in the United Arab Emirates. According to information received, Ms. Karikender took a job as a domestic helper in the city of Fujairah in February 1998. In 1999, she became pregnant and her employers accused her of adultery. She was handed over to the local authorities and delivered her baby while in detention. In 2000, she was summoned to face trial at the Syariah Fujairah Municipal Court, reportedly without any legal assistance and unattended by any translator/ interpreter during the local proceedings. The court found her guilty of adultery and sentenced her to death by stoning. The same court is said to have recently sentenced a Cypriot man convicted of battering his wife to death with a rock to four years in jail and 70 lashes. According to reports, the man responsible for the pregnancy was an Indian citizen whom the court acquitted in absentia, as he had disappeared without a trace. The case reportedly will be appealed to a higher court in Fujairah. If the sentence is upheld on appeal the case may be referred to the Federal Supreme Court in Abu Dhabi and thereafter to the President for ratification. The Indonesian Embassy to the United Arab Emirates had reportedly not been notified about the trial and only became aware of the case when the local mass media announced the death penalty nationwide. Article 36 of the Vienna Convention on Consular Relations, recognizes the right to communicate with and receive assistance from one's own consular representatives. The alleged failure to inform the defendant of this right may have deprived her of important assistance in the preparation of her defence. The Special Rapporteurs appealed to the Government for Ms. Karikender's death sentence to be commuted if upheld on appeal.

United States of America

59. On 2 February 2000 a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions was sent on behalf of **Betty Lou Beets** (aged 62) who was scheduled to be executed in Texas on 24 February 2000. According to reports received, she was sentenced to death in 1985 for the murder of her husband after a trial in which crucial mitigating evidence was allegedly never presented to the jury, including her history of severe physical, sexual and emotional abuse from an early age. According to reports received, she was raped at age 5, she first married at age 15 and was brutally beaten and sexually abused by a succession of

husbands. Expert testimony in post-conviction proceedings reportedly established that Betty Lou Beets suffers from post-traumatic stress disorder, battered women's syndrome and organic brain damage, due to the long history of abuse at the hands of her spouses. It is reported that the effect of this abuse on her state of mind and her actions was not taken into account when convicting and sentencing her for murder. The Special Rapporteurs appealed to the Government to refrain from executing Betty Lou Beets.

60. A press release was also issued by the Special Rapporteurs on 24 February 2000 in this regard.

61. By letter dated 23 February 2000, the Government responded concerning the case of Betty Lou Beets. It acknowledged that mitigating evidence of Ms. Beets's history of severe physical, sexual and emotional abuse was not presented in her defence at the trial. The Fifth Circuit Court of Appeals concluded that such evidence, even if presented, would not have had any impact on the jury's decision to sentence her to death. After sentencing, during habeas corpus proceedings in the federal district court, Ms. Beets raised the issue of "battered women's syndrome" in the context of her argument that she received ineffective assistance of counsel, however, it was rejected by both the United States District Court and Fifth Circuit Court which concluded that her attorney's decision not to pursue this line of argument was not unreasonable and that Ms. Beets did not demonstrate a reasonable probability that, had the evidence been presented, she would not have received the death sentence.

Appendix

CONFIDENTIAL

VIOLENCE AGAINST WOMEN

INFORMATION FORM

INFORMER: *name and address of person/organization submitting the information, will remain confidential. Please also mention whether we can contact you for additional information and if so by what means.*

Name of person/organization: _____

_____

Address: _____

Fax/Tel/E-mail: _____

VICTIM(S): *information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for their case to be transmitted to the Government concerned.*

Name: _____

Address: _____

Date of birth: _____

Nationality: _____

Sex: _____

Occupation: _____

Ethnic background, religious, social group (if relevant): _____

THE INCIDENT: *including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights.*

Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials) include any information, which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials, or independent national human rights institutions. If no complaints have been filed, explain why not.

Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date: _____ Time: _____ Location/country: _____

Number of assailants: _____ Are the assailant(s) known to the victim? _____

Name of assailant(s): _____

Does the victim have a relationship with the assailant(s), if so what is the nature of the relationship? _____

Description of the assailant(s) (include any identifiable features): _____

_____

DESCRIPTION OF THE INCIDENT: _____

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_____

Does the victim believe she was specifically targeted because of gender? _____ If yes, why? _____

Has the incident been reported to the relevant State authorities? _____ If so, which authorities and when? _____

_____

Have the authorities taken any action after the incident? _____

If so, which authorities? _____

What action? _____

_____

When? _____

WITNESSES: Were there any witnesses? _____

Name/age/relationship/contact address: _____

_____

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

PLEASE RETURN TO
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND
(Fax: 00 41 22 917 9006, E-mail: csaunders.hchr@unog.ch)